

TYPES OF DELINQUENCY HEARINGS

Preliminary Hearing

This is the first hearing. During the hearing the youth will be asked to admit or deny the allegations stated in the petition and affidavit. If a denial is entered, the next hearing will be a Pre-trial Hearing or a Merits Hearing. If an admission is entered, the next hearing will be a disposition hearing.

Pre-trial Hearing

This is a hearing to keep the judge informed of all issues to be resolved. The judge may proceed directly to the Merits stage. The youth may admit to the allegations at this stage. If an admission is entered, the next hearing will be a disposition hearing.

Merits Hearing

This hearing is similar to a trial. For the court to find the youth "delinquent," the State's Attorney has to prove that the allegations are true beyond a reasonable doubt. There is no jury. Witnesses may be called to testify. The judge will decide if the youth is delinquent based on the evidence presented at the hearing. If the evidence does not support the charges, the judge can dismiss the case.

Disposition Hearing

If a youth admits to the allegations or the judge finds a youth delinquent, the Department for Children & Families (DCF) prepares a Disposition Case Plan. This has a proposed plan of services. It describes what the youth needs to do to address the issues that brought the youth to court. The judge may place the youth on probation. The conditions the youth must follow are stated in a Probation Certificate. The youth and parent must receive and sign a copy of the Probation Certificate. A DCF social worker will work with the youth and parents in completing the conditions of probation.

NOTES

Judge's name: _____

State's Attorney's name: _____

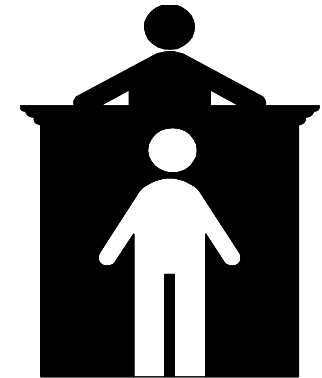
Youth's attorneys' name: _____

If appointed, Guardian ad Litem's name: _____

Social worker's name: _____

VERMONT Family Court

JUVENILE DELINQUENCY PROCEEDINGS



When a youth breaks the law, the matter is brought to Family Court as a delinquency case.

The delinquency court process is confidential. Hearings are closed to the public.

The State's Attorney may recommend a referral to the Diversion Program, which is an alternative to court.

This pamphlet describes the court process.

Goals of the proceedings

The purpose of juvenile proceedings is not to punish, but to have the youth accept responsibility, get help, and learn how to make better choices in the future.

The process should ensure:

1. A **fair determination** as to whether the youth committed the delinquent act.
2. The youth **accepts responsibility** for the unlawful behavior.
3. The youth **repairs harm done** to the victim and the community for the unlawful behavior.
4. The youth **learns new skills** to avoid getting into trouble in the future.
5. The **parents support the youth** in completing the conditions of probation.

Who will be at the hearings?

The youth

The youth's parents and/or legal guardian

The judge, court officers, and other court staff

The youth's attorney: The youth may apply for a public defender by filling out the court's application form. Or, you may hire an attorney on your own.

The state's attorney: Also known as the "prosecutor."

Department for Children and Families (DCF) social worker (acting as the juvenile probation officer): Is present at the disposition hearing or earlier in some cases.

The Guardian ad Litem: A parent (or a court appointed volunteer) who looks out for the youth's best interest.

What to expect at court

When you arrive, ask the security officer where to go, or check in at the Family Court counter.

If the youth has applied for a **Public Defender**, the court will assign one. The attorney will want to talk to the youth alone before the hearing and may speak with the parents. The **State's Attorney** may want to speak with the parents.

A court officer will let you know when it is time for the **Preliminary Hearing**. The parents, youth, and youth's attorney sit at one table and the **State's Attorney** and **DCF** sit at another.

The judge will decide whether the **Guardian ad Litem (G.A.L.)** will be a parent or a volunteer. If there are no conflicts with a parent acting as the youth's GAL, a parent will be assigned. If there are conflicts, a volunteer GAL will be assigned.

The court may issue **Conditions of Release** to ensure community safety until the next hearing. The youth must follow those conditions while the case is ongoing.

In some instances, when a serious offense has been committed or offenses are repeated, the judge may transfer **custody** of the youth to DCF to protect the youth or the community.

The **judge** will ask if the youth admits or denies the allegations. Often the youth's attorney will enter a denial to allow more time to determine what the best outcome and solutions may be. A youth may admit to the allegations at any hearing with the advice of her or his attorney.

If the court finds the youth to be delinquent, a date for a **Disposition Hearing** will be set. At that hearing, the judge may place the youth on **probation**.

Probation

A **Probation Certificate** lists what the youth will need to do to repair the harm done and learn new skills to avoid getting into trouble in the future.

Failure to comply with probation conditions may require a return to court for a **violation of probation**.

The youth must **accept responsibility** for meeting all conditions of probation. The parent's role is to help the youth stay on track and follow the conditions.

The court **case will be closed** when the term of probation is completed and the conditions have been met.

You may need to **go to court** three or four times from the start to the end of a case.

If you have any questions
or are confused about any part of the
proceedings,
please ask questions!

**The court staff, attorneys,
and social workers are there to help.**